

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HARVEY STEWART,
Plaintiff,

v.

ANTHONY J. PRINCIPI, SECRETARY
U.S. DEPARTMENT OF VETERAN AFFAIRS,

Defendant.

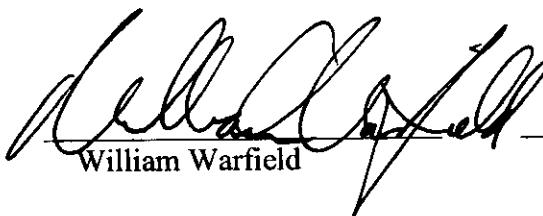
Civ. Action No. 04-11598-WGY

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

I, William Warfield, being duly sworn depose and state as follows:

1. I am currently the Acting Human Resources Officer for the VA Boston Healthcare System which is comprised of three campuses, including the Brockton VA Medical Center. In that capacity, I am familiar with the resources available to supervisors to address employee performance issues. I am also familiar with the terms of the Master Agreement between the Department of Veterans Affairs and the National Association of Government Employees dated May, 1992 ("Master Agreement").
2. A "written counseling" is used as a means by which supervisors can encourage employees to modify and improve performance or conduct.
3. A written counseling notifies employees that their performance or conduct is deficient and does so in a constructive fashion, not in an adverse manner.
4. A letter of counseling is not a form of disciplinary action and is not defined as such in the Master Agreement.

Signed under the pains and penalties of perjury.


William Warfield
Date 5/18/05